
DOI 10.26886/2524-101X.8.4.2022.3

ISSN 2524-101X
eISSN 2617-541X



Book Review

The Law of the Sea, by Robin Churchill, Vaughan Lowe, and Amy Sander, Fourth edition, Manchester, Manchester University Press, 2022, 968 pages, £ 60 (paperback) ISBN: 9780719079689

*Joanna Siekiera**

Siekiera, J. (2022). Book Review: The Law of the Sea, by R. Churchill, V. Lowe, and A. Sander. *Lex Portus*, 8(4), 48–51. <https://doi.org/10.26886/2524-101X.8.4.2022.3>

**Doctor of Public Policy, lecturer of “One Ocean Expedition”, Bergen Pacific Studies Research Group, University of Bergen, (1, Magnus Lagabøtes plass, 5020 Bergen, Norway) <https://orcid.org/0000-0003-0125-9121>*



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The law of the sea as an important branch of public international law is still somehow neglected by many lawyers, who seem not to

understand the crucial role of the ocean in geopolitics, international trade, and security. This legal science is also absent at many law programmes, or, at the best scenario, one lecture is devoted to the regulations in the maritime domain. As someone who uses the law of the sea at everyday work, I must admit it is indeed hard to deliver this specific knowledge to both civilian and military students, with whom I am lucky to work with. First of all, on one hand, the United Nations Convention on the Law of the Sea (UNCLOS) has not been ratified by the largest maritime power on Earth, being the United States. And yes, United States does recognize the UNCLOS as a codification of customary international law. Customs, however, remain difficult to prove in contrary to written norms, which leads eventually to procedural conflicts. On the other hand, though, some states, superpowers who have signed and ratified the Convention deliberately disregard norms of this branch of international law too. Undemocratic regimes, mainly the Russian Federation and the People's Republic of China, have been presenting the hostile postures towards the Western world's values where a human life is put at the top of the legally protected hierarchy. Therefore, secondly, law itself cannot be read in isolation from the world's politics and particular state's interest. The law of the sea is as leaky, weak and lacking enforcement measures just like any other branch of international law, only to mention law of armed conflict with its latest prominence during the Russia's unprovoked and unjustified attack on Ukraine in February 2022.

The authors of the fourth edition of "The law of the sea" brought as authoritative, balanced, and readable position as the three ones before. The books are being used by my fellow lecturers in academia, during special workshops and courses devoted to marine and maritime activities, where not every participant has a background in law. The 2022 edition is also longer (968 pp.) and touches upon the latest scientific dilemmas, like marine technology, conservation of marine biodiversity or

control over marine pollution all being enumerated at the United Nations Sustainable Development Goals under the Goal 14: “Life below water”. Another novel aspect is the infamous IUUF, being “illegal, unreported and unregulated fishing”, as well as ocean change. Devastating climate change, with its maritime component – ocean change – affects sea level and contributes to loss of territory, relocation of maritime zones, and general uncertainty and instability. Small island developing states (SIDS) contributed the least to global warming, yet they are suffering the most from its effects. For the Pacific SIDS (PSIDS) future climate change is happening already now, what the students of the Norwegian-led One Ocean Expedition in 2022 can experience in practise sailing across the Pacific Ocean and doing their research in the disciplines of biology, anthropology, and law (of the sea). The microstates in the South Pacific like the Federated States of Micronesia are threatened by tidal surges, coastal erosion, submersion of their atolls, destruction of food crops, reduced potable water supply, and harm to marine species because of the rising sea temperatures.

The authors of “The law of the sea” pay attention to this problem too:

“If the more far-reaching predictions of sea level rise prove accurate, some island States comprised solely of low-lying territory, such as Kiribati, the Maldives, the Marshall Islands and Tuvalu, may become completely submerged. Whether they would continue as States if that happened, possession of territory being a traditional criterion of Statehood, and if so, whether they would retain their current maritime zones (...)” (p. 101).

This year we celebrate the 40th anniversary of signing UNCLOS. Maritime domain becomes more and more critical. From the standpoint of the world economy, unexplored deposits of natural resources located at the bottom of the Pacific Ocean are of utmost importance. Another key issue are the resources located in the exclusive economic zones of the island states of the Pacific, as well

as intact and therefore very attractive markets. The Pacific remains the global changing territory due to not only the crossroads of air and maritime trade routes, but primarily due to those resources laying at the seabed. So far, the technology does not allow for their profitable extraction from the seabed. However, technology has been developing at an unprecedented pace, while states are awaiting the exploration of the bottom of the ocean, mainly in the high sea, which, according to UNCLOS, belongs to all humankind. This new international situation will result in not only regional but global conflicts, and one of them might eventually lead to a world war – war for resources. Lastly, we have been witnessing emergence of numerous decisions of international courts and tribunals in regard to the law of the sea. Disputes between states, and non-states actors (NSA) will most likely multiply.

These are the reasons why the law of the sea, brought by Robin Churchill, Vaughan Lowe and Amy Sander, in so much needed, while the way it has been brought by the authors (easy to understand, yet not lacking eloquence or sophistication) makes the fourth edition of the book a complete material for theoreticians and practitioners, academics and analytics, decision-makers and activists, governmental counsellors and litigation arbitrators. The trio of lawyers, being both academics and practitioners, not only explicitly examine the Convention and other existing norms stemming from international jurisdiction, but actually use international jurisprudence to equip the reader with the legal tool to effectively combat contemporary maritime dilemmas.

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Life below water. <https://www.globalgoals.org/goals/14-life-below-water/>